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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andrew H. Barr

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EXAMINER

BHAT, ADITYA S

ART UNIT

PAPER NUMBER

2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Finality

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to a judicial exception; as such, pursuant to the Interim Guidelines on Patent Eligible Subject Matter (MPEP 2106)), the claims must have either physical transformation and/or a useful, concrete and tangible result. The claims fail to include transformation from one physical state to another. Although, the claims appear useful and concrete, there does not appear to be a tangible result claimed. Merely providing the test transaction to the portion using direct memory access (DMA) subsequent to obtaining access to the portion of the memory would not appear to be sufficient to constitute a tangible result, since the outcome of the providing step has not been used in a disclosed practical application nor made available in such a manner that its usefulness in a disclosed practical application can be realized. As such, the subject matter of the claims is not patent eligible.

Art Unit: 2863

For further clarification please refer to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility which can be found on the following website;

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 1-8 and 15-20:

The primary reason for the allowance of claim 1 is the inclusion of: the test module card is configured to obtain access to a portion of the memory from the operating system, and wherein the test module card is configured to cause tests to be performed on the portion of the memory using direct memory access (DMA) subsequent to obtaining access to the portion of the memory.

It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

The primary reason for the allowance of claim 15 is the inclusion of: the test module card is configured to obtain access to a portion of the memory from an operating system, and wherein the test module card is configured to cause tests to be performed on the portion of the memory by providing read transactions associated with the memory to the I/O controller subsequent to obtaining access to the portion of the memory. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Art Unit: 2863

Claims 2-8 are allowed due to their dependency on claim 1.

Claims 16-20 are allowed due to their dependency on claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claim 9-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McKenna et al. (USPUB 2001/0018721) teaches an upgrade card for a computer system and Bealkowski et al. (5,355,489) teaches a bios load for a personal computer system having removable processor card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aditya Bhat
February 28, 2007



John Barlow
Supervisory Patent Examiner
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